REMARKS

This amendment is filed in response to the Office Action dated October 28, 2002. Claims 1, 3-7, 10-14 and 18-32 are pending. In the Office Action of October 28, 2002, the Examiner rejected claims 1, 3-5, 7, 18-21, 23 and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over Liao et al., U.S. Patent No. 6,292,833 ("Liao") in view of Shefi, U.S. Patent No. 6,445,794; rejected claims 6, 10-12, 14, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi in view of Zicker et al., U.S. Patent 5,862,475 ("Zicker"); rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi; and rejected claim 32 under 35 U.S.C. § 103(a) over Liao and Shefi in view of Galvin, U.S. Patent No. 6,134,315.

The Examiner's rejections are traversed below.

Claims 1, 3-5, 7, 18-21, 23 and 25-31 Are Patentable Over Liao And Shefi

The Examiner rejected claims 1, 3-5, 7, 18-21, 23 and 25-31 under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Shefi. The Applicants respectfully traverse the rejection with respect to claims 1, 3-5, 7, 18-21, 23 and 25-31 on the bases that: (1)these claims include certain novel limitations that are not disclosed by Liao or Shefi, separately or in combination; and (2) there is no motivation to combine Shefi and Liao.. In particular, as discussed further below, Liao and Shefi fail to disclose a means or method for a person, *e.g.*, a called party, calling party, or user of a customer premise equipment, to be alerted to the security status of a communications link. Also, Shefi addresses security with encryption to overcome using insecure links. Therefore, there is no motivation to combine Liao with Shefi, because Shefi's encryption eliminates any concerns in using insecure links.

Liao discloses a security status of a transmission link being reported to a mobile communications device. The mobile

communications device then uses that status to make decisions regarding transmissions received over that link. However, Liao does not disclose that the security status is made available to a user of the communications device. This is significant, at least in that, in Liao, a user cannot make decisions in light of the security status. In contrast to the prior art, the present invention advantageously permits a user to receive the security status of a communications link and make further decisions, such as whether to continue a transmission, in light of the security status.

The Examiner acknowledges that Liao "fails to teach [a] message indicating to a user of the customer premise equipment that a transmission was received over a non-private link subject to unauthorized interception." The Examiner relies on Shefi for the teaching missing in Liao. Unfortunately, as discussed below, Shefi does not fill the gap. And, in any event, there is no motivation to combine Liao and Shefi.

Shefi is directed to an encryption algorithm for use between two electronic communication devices. The two electronic devices each have a "one-time pad" for use in generating complimentary encryption algorithms. That is, a first electronic communications device and a second communications device each store the one time pad. The algorithms are complimentary in that the first communications device can send an encrypted communication that the second communications device can decipher or decrypt. Other devices without the one-time pad are not be able to decrypt the encrypted communication. The encryption algorithm permits "secure" communications without regard to the security of the links used for the communication. That is, the encryption permits "secure" communications even if the links used in the communication are insecure. Shefi alerts a user as to whether encryption is being used. And, Shefi provides an indication of whether a device is communicating with a "non-secure" device. But, in the case of Shefi,

"non-secure" literally means that encryption was not used and does not actually indicate whether generic insecure links were used. Indeed even if insecure links are used, if the encryption algorithm disclosed in Shefi is used, the communication is considered "secure." Shefi explicitly defines "non-secure" in the patent specification as merely reflecting whether the invention disclosed in Shefi is used or not, not as reflecting actual security status. See, Shefi, column 9, lines 12-21 ("term 'non-secure' is not intended to indicate the actual security quality ... but only to indicate that the device or protocol is not of the present invention")

In light of Shefi's narrow use of the term "non-secure," Liao and Shefi do not, in combination or separately disclose, teach or suggest a means or method for a person to be alerted to the actual security status of a communications link.

In addition, and alternatively, there is no motivation to combine Liao and Shefi. Shefi avoids the consequences of using insecure links by encrypting. Therefore, one of ordinary skill in the art would not combine Liao with Shefi. Liao does not even recognize the problem or solution of concern in the present invention, namely, allowing a user to prevent insecure communications when secure communications are desired. Therefore, independent claims 1, 4, 18 and 25, which each require an alert of a security status of a route, call path, or link to a person, are not obvious in view of Shefi and Liao. The dependent claims 3, 5-14, 19-24 and 26-32 depend ultimately from one of the independent claims, and are patentable for at least the reasons given above for the independent claims.

Claims 6, 10-12, 14, 22 and 24 Are Patentable Over Liao, Shefi And Zicker

The Examiner rejected claims 6, 10-12, 14, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi in view of Zicker. The Examiner, uses Liao and Shefi in this rejection in the

same manner discussed above. The Examiner notes that Liao and Shefi fail to teach an alert in the system including a distinctive ringing at the recipient's station, an audible voice message, an audible tone, providing a periodic alert, a query screen on a personal computer, warning signals throughout the call and special parameters for a particular subscriber. According to the Examiner, Zicker teaches the alerts that are missing in Liao. The Examiner concludes that the claims are obvious In view of the combination of Zicker, Shefi and Liao.

The Applicants disagree with the Examiner's conclusion. First, even assuming a combination of Zicker, Shefi and Liao is appropriate, such a combination still fails to disclose certain novel elements of the subject claims. Namely, a combination of Zicker, Shefi and Liao fails to disclose providing an alert relating to a security status of a transmission or link to a calling party, caller, calling party or user of a customer premise equipment, as discussed above. In addition, Shefi teaches against a combination of Zicker, Shefi and Liao, as discussed above with respect to Shefi and Liao.

Claim 13 Is Not Obvious In View Of Liao

The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi. According to the Examiner Liao and Shefi teach all the elements of the subject claim, except Liao and Shefi fail to teach that the system issues an alert when a previously secure route becomes insecure. The Examiner goes on to suggest that it is obvious that when a network site is insecure, the network site will be denied by the system and an alert message will be issued. This assertion is apparently not supported by a reference. The Examiner concludes that Liao and Shefi plus the Examiner's suggestion makes the claims obvious.

The Applicants disagree with the Examiner's conclusion of obviousness. The Examiner's suggestion that "it is obvious that when the network site is insecure, then the network site will be denied by the

system and an alert message will be issued" is not supported by a reference and the prior and current art generally. Indeed, the majority of network access In the current art made over the Internet is made without regard to the security of the network. The Examiner's suggestion appears to be motivated by impermissible hindsight, in light of the present invention itself. Moreover, as discussed above, Liao and Shefi fail to disclose certain novel features that are included in claim 13, namely, providing an alert relating to a security status of a transmission or link to a calling party, caller, calling party or user of a customer premise equipment. Therefore, claim 13 is not obvious and is patentable.

Claim 32 Is Not Obvious In View Of Liao, Shefi And Galvin

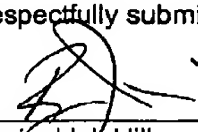
The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi in view of Galvin. According to the Examiner, Liao and Shefi teach all the elements of the subject claim except that Liao and Shefi fail to teach establishing a new route between said sender and said recipient. The Examiner indicates that Galvin teaches routing such that it would have been obvious to one of skill in the art to combine Galvin, Shefi and Liao to provide the alternative route as claimed.

The Applicants disagree with the Examiner's conclusion of obviousness. First, even assuming a combination of Galvin, Shefi and Liao is appropriate, such a combination still fails to disclose certain novel elements of the subject claims. Namely, a combination of Galvin, Shefi and Liao fails to disclose providing an alert relating to a security status of a transmission or link to a calling party, caller, called party or user of a customer premise equipment, as discussed above. In addition, there is no motivation to make such a combination for the reasons given above with respect to the combination of Shefi and Liao.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



Reginald J. Hill
Registration No. 39,225
Attorney for Applicants

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JENNER & BLOCK, LLC
One IBM Plaza
Chicago, IL 60611
(312) 222=9350
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